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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 29th July, 1991:—

I

BILL NO. XXXI OF 1991

A Bill to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Jammu and Kashmir.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 1991.

(2) The provisions of clause (b) of section 2 and section 3 shall come into force at once, and the remaining provisions of this Act, shall be deemed to have come into force on the 19th day of April, 1991.

2. In the Schedule to the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989 (hereinafter referred to as the Jammu and Kashmir Order),—

(a) after item 8, the following items shall be added, namely:—

“9. Gujjar

10. Bakarwal”;

(b) after item 10 as so added, the following items shall be added, namely:—

“11. Gaddi

12. Sippi”.

Short
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Amend-
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Scheduled
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Order,
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Repeal
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3. The Constitution (Scheduled Tribes) Orders (Amendment) Ordinance, 1991, in so far as it relates to the amendment to the Constitution (Scheduled Tribes) Order, 1950, except as respects things done or omitted to be done before the commencement of the provisions of this section, is hereby repealed.

Ord. 3
of 1991.

Repeal
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4. (1) The Constitution (Scheduled Tribes) Orders (Amendment) Ordinance, 1991, in so far as it relates to the amendment to the Jammu and Kashmir Order, is hereby repealed.

Ord. 3
of 1991.

(2) Notwithstanding such repeal, any thing done or any action taken under the Jammu and Kashmir Order, as amended by the said Ordinance, shall be deemed to have been done or taken under the Jammu and Kashmir Order, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Gujjars and Bakarwals in the State of Jammu and Kashmir were not included in the list of Scheduled Tribes in the State and accordingly these communities did not derive the benefits of various safeguards provided for the Scheduled Tribes in the Constitution. The State Government of Jammu and Kashmir had recommended the inclusion of these communities in the list of Scheduled Tribes. There was persistent demand for the inclusion of these communities in the list of Scheduled Tribes in the State. As the House of the People had been dissolved and the Council of States was not in session, the aforesaid circumstances necessitated the promulgation of the Constitution (Scheduled Tribes) Orders (Amendment) Ordinance, 1991 (Ord. 3 of 1991).

2. The Bill seeks to replace the above-mentioned Ordinance in so far as it relates to the amendment to the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989, and also to include the Gaddi and Sippi communities in the list of Scheduled Tribes in the said Order, as recommended by the State Government.

STARAM KESRI.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to include the communities of Gujjar, Bakarwal, Gaddi and Sippi in the State of Jammu and Kashmir in the list of Scheduled Tribes. This shall entail additional recurring and non-recurring expenditure for the benefits to be provided to the persons belonging to these communities under various existing schemes meant for the Scheduled Tribes. It is not possible to estimate at this stage the likely expenditure to be involved on this account. However, the expenditure, whether recurring or non-recurring will be met out of the budgetary grants of the Ministry of Welfare.

2. The Bill when enacted will not involve any other recurring or non-recurring expenditure.

Memorandum explaining the modification contained in the Constitution (Scheduled Tribes) Order (Amendment) Bill, 1991 to replace the Constitution (Scheduled Tribes) Orders (Amendment) Ordinance, 1991.

The Constitution (Scheduled Tribes) Order (Amendment) Bill, 1991 seeks to repeal the Constitution (Scheduled Tribes) Orders (Amendment) Ordinance, 1991 (Ord. 3 of 1991) and to replace the said Ordinance in so far as it relates to the amendment of the Constitution (Scheduled Tribes) Order, 1989. The Bill proposes to make the modification set out in paragraphs 2 and 3 apart from modifications of a consequential or drafting nature, to the provisions contained in the said Ordinance.

2. In clause 2 of the Bill (which corresponds to section 3 of the Ordinance) the communities of Gadli and Sippi in the State of Jammu and Kashmir have been sought to be included in the list of Scheduled Tribes in that State. This has been proposed as there have been persistent demand for the inclusion of those communities in the list of Scheduled Tribes in that State and the State Government have also recommended their inclusion in the said list.

3. There is no provision in the Bill, corresponding to section 2 of the said Ordinance as the Government has felt that a comprehensive examination of pending proposals from different State Government regarding revision of the lists of Scheduled Castes and Scheduled Tribes is required.

4. Other modifications contained in the Bill are consequential in nature.

SUDARSHAN AGARWAL,
Secretary-General.

